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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,200	04/22/2004	Pei-Jhih Bao	BAOP3001/EM	5545

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EXAMINER

DOOLEY, JAMES C

ART UNIT PAPER NUMBER

3634

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/829,200	<b>Applicant(s)</b> BAO, PEI-JHIH	
	<b>Examiner</b> James C. Dooley	<b>Art Unit</b> 3634	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 1, item "22". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

Page 2 line 3, the phrase "too less" is unclear

Page 2 line 14, "has" should read --have--

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Page 3 line 10, "for putting" is unclear

Page 3 line 21, "hole" should read --holes--

Page 4 line 11, "lockable" should read --lockably--

Page 5 line 9, the phrase "high holding" is unclear

Page 5 line 21, "boobs" should read --books--

Page 6 line 13, "hole" should read --holes--

These are only some examples. It is recommended that the entire disclosure be edited for style and grammar.

### ***Claim Objections***

Claims 1,3,5, and 12 are objected to because of the following informalities:

Claim 1, page-lines 5 and 6, it is unclear if phrase should read --a fixing sheet expanded **to** form the other side-- or --a fixing sheet expanded **from** the other side--.

Claim 3 page-line 25, "in" should read --into--.

Claim 5 page-line 10, --is-- should be inserted after "body"

Claim 9 page-line 20, --are-- should be inserted after "grooves"

Claim 12 page-line 20, "lockable" should read --lockably--

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the other side" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "high holding" in line 19 is unclear as it has not been adequately described in the specification.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Hennessey (1,493,264) in view of Arnold (US 5,090,578). Hennessey discloses a rack comprising a frame base (10), a plate body (15) mounted to the frame base, and a flexible binding strap (20) penetrating through and winding around the grooves (formed by 18 and 19) in the plate body (pg. 1, lines 91-98). The fixing sheet extending to form the other side of the frame base is understood to be the central rib of the channel section (pg.1 lines 91-98,"back of the bar") Hennessey does not disclose positioning tips or binding shells at the ends of the flexible strap.

Arnold teaches a rack having a frame base (11), a plate body (29), and a flexible strap (52). Arnold teaches positioning tips (51) and binding shells (54) at each end of the flexible strap for holding the strap in place. The binding shells are understood to simply be the ends of the strap (col. 2 ln. 53-60). The positioning tip is inserted onto the binding shell and has a diameter larger than the binding shell. Further, with respect to claim 10, the positioning tip of Arnold is shown to have two position restraining portions, the top and bottom half of the disc. Accordingly, it would have been obvious to one with ordinary skill in the

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art at the time of the invention to modify the strap of Hennessy to include the positioning tip and binding shell as taught by Arnold. The motivation would be to prevent the strap from slipping free of the grooves in the plate body.

*With respect to claim 2*, Hennessey teaches the frame base to be U-shaped (pg. 1 lines 76-80). A channel cross-section is known to be U-shaped.

*With respect to claims 3 and 4*, Hennessey discloses the frame base to have an insertion pin (17) pushed through a tube in the frame base connecting the frame base to the plate body, see figure 5 (pg. 1 lines 85-90). The tube of the frame body is seen as the hole where the pin (17) is inserted.

*With respect to claims 5 and 6*, Hennessey discloses the plate body to have a bottom contacting sheet and also a top contacting sheet, which form a tight fit with frame base. The top and bottom contacting sheets are seen as the top and bottom portions of the channel section.

*With respect to claims 7 and 8*, Hennessey does not disclose the frame and plate body to be releasably connected. Therefore they are understood to be integrally formed.

*With respect to claim 12*, the frame has been described to be U-shaped. The through holes formed on the frames have been also previously discussed as the point where pins (17) are inserted. The frame base is understood to have three rib sheets: the top horizontal plane, middle vertical plane, and bottom horizontal plane. Screw holes (12) are formed on the middle vertical plane. The screw holes are understood to correspond to the through holes by both holes being on the same component, the frame base. The plate body also has a

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second through hole for pin 17, which corresponds to the first through hole by being aligned. The plate body is also shown to be lockably mounted to the frame base by means of hooks (21).

Claims 9,11,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hennessey and Arnold as applied to claims 1-8, 10 and 12 above, and further in view of Shore (US 3,139,190). Hennessey and Arnold together teach a rack having a frame base, a plate body, and flexible strap with positioning tips and binding shells. Neither Hennessey nor Arnold discloses the grooves in the plate body to have reaming holes for conveniently threading the strap. Shore teaches a rack having a frame base (12), a plate body (50), and a flexible strap (38). Shore teaches the flexible strap penetrating through and winding around grooves in the plate body (col. 2 ln. 36-59, col. 3 ln. 2-11). The grooves (52) of Shore feature reaming holes (59) allowing the strap to be conveniently passed through. Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the grooves of Hennessey to include reaming holes as taught by Shore. The motivation to provide reaming holes would be to allow the strap to easily wind through the grooves.

*With respect to claim 11*, the positioning tip of Arnold is shown to have two position restraining portions, the top and bottom half of the disc.

*With respect to claim 13*, the frame has been described to be U-shaped. The through holes formed on the frames have been also previously discussed as the point where pins (17) are inserted. The frame base is understood to have three rib sheets the top horizontal plane, middle vertical plane, and bottom

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horizontal plane. Screw holes (13) are formed on the middle vertical plane. The screw holes correspond to the through holes by being on the frame base. The plate body also has a second through hole for pin 17, which corresponds to the first through hole by being aligned. The plate body is also shown to be lockably mounted to the frame base by means of hooks (21).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Danne (US patent 893,608), discloses an article holder having; a frame base (A), a plate body (4) mounted an upper side of the frame base (A), a flexible binding strap (i) winding through grooves (5) in the plate body (page 1 lines 110-112, page 2 lines 1-2), and a fixing sheet (E), which could be used for mounting. The ends of strap "I" are understood to be a positioning strips and these ends are held in place by the binding shells, metallic fasteners located at either end of the strip, shown in figure 7. Danne discloses that the holder can be folded lengthwise (pg. 1 lines 93-95), as shown in figure 3. In the closed configuration the frame base (A) has a U-shaped cross-section.

Other prior art seen as being especially pertinent are: Field 5,370,288; Viio 4,523,702; Crown 2003/0150830, and Feerick 2,491,652.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C. Dooley whose telephone number is 571-2721679. The examiner can normally be reached on M-F 9-5:30.

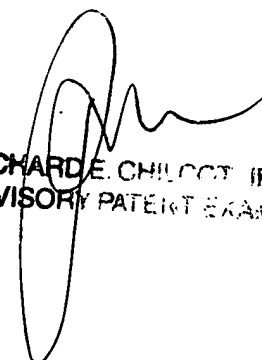
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

01/19/2006

  
**RICHARD E. CHILCOTT, JR.**  
**SUPERVISORY PATENT EXAMINER**